

Raymond S. Sussman

Attorney At Law

4523 Avenue H, First Floor

Brooklyn, New York 11234-1409

Telephone 718-338-3302/Fax 347-438-3338

Cell Phone 914-830-2628 E-Mail Raymondsussman@aol.com

Honorable Stanley R. Chesler, U.S.D.J.
United States District Court
For the District of New Jersey
Martin Luther King, Jr., Federal Building & U.S. Courthouse
Newark, New Jersey 07102

March 16, 2011

RE: Vierra v Newark, et al.
Docket No. 09-6464(SRC)
Reply to Defendant's Reply 3-14-2011

Dear Judge Chesler,

This letter is in response to the Defendant's Letter dated March 14, 2011 concerning the Reply Brief on Second Motion to Dismiss. There is a pending motion to dismiss the second amended complaint in this case by the Defendant. We have filed a second motion in opposition to those pleadings. The Defendant has found need to submit a further letter in opposition which we now address.

The Defendants claims in their letter that they repeat the same observation they made in their first motion to dismiss. They contend that "There is nothing here but empty allegations." This of course we dispute.

The Defendant then claims that we made "unfair comments in the Opposition that the moving defendants have covered up the records of the incident and somehow blocked all access to the investigation." (Letter p-1).

This office only this past week received a large package of discovery materials from the Essex County Prosecutor's Office none of which has been previously provided. There still remain numerous items which have not been provided.

Finally, the Defendant seems to charge that the Essex County Prosecutor's Office is not connected to the Defendants in any way and they are not responsible for the delays. This claim is unsupported by the record and is false to be sure. The amended complaint should not be dismissed at this juncture based on the history of

the discovery in this case alone, but simply of the conduct of the Attorneys from the City of Newark.

Respectfully

Raymond S. Sussman

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CC: Lawrence J. Harrison
L. Michael Harrison
Jeannette M. Weiss, Esquire
(File)
RS:lh